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Dayna R Robison 09/20/2006 11:17:04 AM From DB/Inbox: Dayna R Robison

Cable
Text:
UNCLAS SENSITIVE VIENNA 02673

SIPDIS
CXVIENNA:
ACTION: POLEC
INFO: AMB REVIEW PAO DCM

DISSEMINATION: ECON
CHARGE: PROG

APPROVED: ECONPOL:GEPHILLIPS
DRAFTED: ECONPOL:ASCHRATT E:
CLEARED: ECONPOL:PRNELSON; HJANOTA

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TO RUEHC/SECSTATE WASHDC 4862
RHEFHC/DEPT OF HOMELAND SECURITY WASHDC
RULSDMK/DEPT OF TRANSPORTATION WASHDC
INFO RUCNMEM/EU MEMBER STATES
RUEHBS/USEU BRUSSELS

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SIPDIS

SENSITIVE, SIDPIS

STATE FOR EB/TRA/OTP, EUR/ERA, AND EUR/AGS
DHS FOR MSCARDAVILLE
DOT FOR KLANEY

E.O. 12958: N/A
TAGS: [FAIR PTER AU](#)
SUBJECT: AIRLINES AND DATA PROTECTION: AUSTRIA WILL NOT INITIATE
ACTION, BUT WILL FOLLOW EU CONSENSUS

REF: STATE 132268

1. (SBU) Eckhard Riedl, Deputy Head of the Department for Data Processing in the Federal Chancery, told us recently that the GoA is not/not planning any additional legislation on or registration of passenger data transmission to third countries. Riedl said that, for practical reasons, the substance of the EU's draft PNR agreement should remain unchanged. According to Riedl, the GoA is not interested in broadening the scope of the agreement.

2. (SBU) During a meeting with Emboffs, Waltraut Kotschy, Head of the Austrian Data Privacy Commission (an independent agency), painted a somewhat different picture. Kotschy acknowledged that the EU's Article 29 Data Protection Working Group is currently discussing the "No Fly" List and Selectee Screening. Kotschy maintained that Articles 25 and 26 of the Data Protection Directive definitely governed the transmission of passenger data to third countries. The Working Group is striving to reach a common perspective on the "No Fly" list issue, but Kotschy remained non-committal on possible outcomes of the deliberations. Kotschy stressed that in her role on the Austrian Data Privacy Commission and on the EU Working Group, she could not speak for the GoA. She added, however, that she would recommend including these issues in any negotiations on the revised PNR agreement.

3. (SBU) Comment: Traditionally, Austria has been among the "hardliners" within the EU with regard to strict data privacy rules. The view of Kotschy, who represented the GoA on these issues until two years ago, is indicative of this tendency. While it appears the GoA does not currently plan to promote the "No fly" list or Selectee Screening as an issue with the U.S., we do expect that the GoA will follow the lead of larger EU Member States on this issue. End comment.

McCaw